

U.S. DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION



ORGANIZATION AND FUNCTION ORDER

ORDER NO.

41-4

D.O.O. REFERENCE

10-3, 40-1

EFFECTIVE DATE

May 8, 1985

SUBJECT

ASSISTANT SECRETARY FOR TRADE ADMINISTRATION

Part I. EFFECT ON OTHER ORDERS

This order supersedes ITA Organization and Function Order 41-4 of May 18, 1982, as amended.

Part II. PURPOSE, SCOPE, AND PRINCIPAL ORGANIZATION

Section 1. Purpose

.01 This order delegates authorities from the Assistant Secretary for Trade Administration ("the Assistant Secretary") to the Deputy Assistant Secretaries for Import Administration, Export Administration, and Export Enforcement; redelegates certain authorities to other responsible officials; and prescribes the internal organization and assignment of functions for entities under the direction of the Assistant Secretary.

.02 This revision: combines the Priorities and Allocations and Emergency Preparedness Divisions into a National Security Preparedness Division in the Office of Industrial Resource Administration; renames the Resource Assessment Division in OIRA as the Strategic Analysis Division; elevates the Agreements Compliance Division in Import Administration to office status; consolidates the three divisions in IA's Office of Investigations into two--one each for antidumping and countervail; establishes the Central Records Unit/Foreign Subsidy Library Staff; and incorporates outstanding amendments.

Section 2. Organization and Line of Authority

The internal organization structure and line of authority for functions prescribed in this order is depicted in the attached chart. The Assistant Secretary for Trade Administration reports and is responsible to the Under Secretary for International Trade.

Section 3. Principal Functions

.01 The Assistant Secretary for Trade Administration assists and advises the Secretary and the Under Secretary on the development of policies pertaining to, and the implementation of, Departmental programs dealing with import and export administration issues, including industrial mobilization and resource administration and foreign boycotts; exercises the functions of the "Secretary" and the "administering authority" of U.S. antidumping and countervailing duty laws within the meaning of Section 303 and Title VII of the

Tariff Act of 1930, as amended; serves as alternate to the Secretary and Under Secretary in representing the Department on the Trade Policy Committee and other interagency committees which deal with matters pertaining to import and export administration issues; represents the Department in all domestic and international forums which address such issues; chairs the Committee of Alternates of the Foreign-Trade Zones Board and acts for the Secretary in all Board matters except grants of authority to establish new zones; chairs the Advisory Committee on Export Policy; and decides appeals arising under the Export Administration Act of 1979, as amended, including equivalent authorities and successor statutes, the Defense Production Act of 1950, as amended, Section 402 of the Federal Property and Administrative Services Act of 1949, as amended, and Headnote 6(d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States.

.02 The office of the Assistant Secretary includes a Hearing Commissioner who conducts hearings, issues initial decisions, and performs other duties with respect to proceedings concerning the imposition of administrative sanctions for violations of those Export Administration Regulations concerning national security, foreign policy, and short supply; as requested by the Department of State, serves as presiding official in administrative proceedings related to the International Traffic in Arms Regulations issued under the Arms Export Control Act; and, as requested, provides administrative support to the Assistant Secretary concerning appeals, except those appeals from initial decisions made by the Hearing Commissioner.

.03 The Assistant Secretary directs the activities of:

- a. The Deputy Assistant Secretary for Trade Administration;
- b. The Deputy Assistant Secretary for Import Administration;
- c. The Deputy Assistant Secretary for Export Administration; and
- d. The Deputy Assistant Secretary for Export Enforcement.

.04 The Deputy Assistant Secretary for Trade Administration serves as the principal deputy to the Assistant Secretary; performs such duties as the Assistant Secretary may assign; and assumes the duties of the Assistant Secretary during the latter's absence.

Part III. AUTHORITIES OF THE ASSISTANT SECRETARY

Section 1. Delegation of Authority

Pursuant to the authority delegated to the Assistant Secretary for Trade Administration by the Under Secretary for International Trade, and subject to such policies and directives as the Assistant Secretary may prescribe, the following authorities are hereby delegated to the Deputy Assistant Secretaries for Import

Administration, Export Administration, and Export Enforcement as set forth below. Each Deputy Assistant Secretary may redelegate his or her authorities to any employee of the International Trade Administration or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authorities as he or she may prescribe. Notwithstanding any provision of this delegation of authority, the Assistant Secretary may at any time exercise any authority delegated in this part.

.01 To the Deputy Assistant Secretaries for Import Administration, Export Administration, and Export Enforcement the authorities of the Assistant Secretary with respect to the Act of February 14, 1903, as amended (15 U.S.C. 1512 et seq.; 15 U.S.C. 171 et seq.) to foster, promote, and develop the foreign and domestic commerce of the United States, as are necessary to the performance of each Deputy Assistant Secretary's functions.

.02 To the Deputy Assistant Secretary for Import Administration the authorities of the Assistant Secretary with respect to antidumping and countervailing duties, as follows:

- a. Section 303 and Title VII (including Section 771(1)) of the Tariff Act of 1930, as amended, (19 U.S.C. 1303, 1671 et seq.) in accordance with section 5(a)(1)(C) of Reorganization Plan No. 3 of 1979 (44 FR 69273, December 3, 1979), relating to (1) antidumping and countervailing duties, except the authority to make final determinations as "Secretary" or "administering authority"; and (2) determinations, as "administering authority", of subsidies on articles of quota cheese under Section 702 of the Trade Agreements Act of 1979 (93 Stat. 269);
- b. Sections 514, 515, and 516 of the Tariff Act of 1930, as amended, (19 U.S.C. 1514, 1515, and 1516) and section 5(a)(1)(D) of Reorganization Plan No. 3 of 1979, insofar as they relate to any protest, petition, or notice of desire to contest described in section 1002(b)(1) of the Trade Agreements Act of 1979;
- c. Sections 318, 502(a) and (b), and 617 of the Tariff Act of 1930, as amended, (19 U.S.C. 1318, 1502(a) and (b), and 1617) and sections 5(a)(1)(E), 5(a)(1)(F), and 5(a)(1)(G), respectively, of Reorganization Plan No. 3 of 1979, insofar as they relate to antidumping and countervailing duty investigations and the assessment of duties; and
- d. Chapter 169 of Title 28 of the United States Code and section 5(a)(1)(H) of Reorganization Plan No. 3 of 1979, insofar as they relate to actions taken by the Secretary reviewable under section 516A of the Tariff Act of 1930, as amended, (19 U.S.C. 1516a).

.03 To the Deputy Assistant Secretary for Import Administration the authorities of the Assistant Secretary with respect to statutory import programs as follows, except that authority to decide appeals shall be reserved to the Assistant Secretary:

a. Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512), relating to the importation of foreign excess property;

b. The Educational, Scientific and Cultural Materials Importation Act of 1966 (19 U.S.C. 1202); and

c. Headnote 6 of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202), pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements.

.04 To the Deputy Assistant Secretary for Import Administration the authorities of the Assistant Secretary under the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a et seq.), and the implementing regulations in 15 CFR Part 400, as it relates to the Secretary's authority to appoint an Executive Secretary of the Foreign-Trade Zones Board.

.05 To the Deputy Assistant Secretary for Export Administration the authorities of the Assistant Secretary with respect to industrial mobilization and resource administration, as follows, except that authority to decide appeals shall be reserved to the Assistant Secretary:

a. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.) conferred on the Secretary under: (1) Executive Order 10480 of August 14, 1953, as amended, except authority with respect to transportation facilities and the creation of new agencies within the Department of Commerce; and (2) Executive Order 11912 of April 13, 1976;

b. Executive Order 11490 of October 28, 1969, as amended, as it relates to the development, as required for the programs of the Director, Federal Emergency Management Agency, of national emergency plans and preparedness programs covering production and distribution of materials, use of production facilities, control of construction materials, and the furnishing of basic industrial services;

c. The National Security Act of 1947, as amended (50 U.S.C. 401 et seq.) and Executive Order 11490 of October 28, 1969, as amended, relating to mobilization preparedness;

d. Executive Order 11179 of September 22, 1964, as amended, with respect to the establishment and training of the industrial production component of the National Defense Executive Reserve;

e. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense;

f. Section 1441 of the Public Health Service Act, as amended by the Safe Drinking Water Act (42 U.S.C. 300j) conferred on the Secretary under Executive order 11879 of September 17, 1975, involving materials allocation of chemicals or substances necessary for treatment of water;

g. Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) and section 5(a)(1)(B) of Reorganization Plan No. 3 of 1979, relating to the conduct of national security investigations on imports;

h. Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98), relating to determinations as to which materials are strategic and critical, and the quality and quantities of materials to be stockpiled;

i. Sections 103 and 251 of the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) conferred on the Secretary under Executive Order 11912 of April 13, 1976, relating to: (1) export restrictions of coal, petroleum products, natural gas, or petrochemical feedstocks and supplies of material or equipment necessary to maintain or further exploration, production, refining, or transportation of energy supplies or for the construction or maintenance of energy facilities within the United States; and (2) rules to authorize the export of petroleum and petroleum products as may be necessary for implementation of the obligations of the United States under the International Energy Program;

j. The Export Administration Act of 1979, as amended, including equivalent authorities and successor statutes (50 U.S.C. App. 2401 et seq.) and the authority under that Act conferred on the Secretary under Executive Order 12214 of May 2, 1980, as it relates to short supply commodity controls, except that:

1. The submission of reports to the Congress required by Section 14 of the Act shall be reserved to the Secretary; and

2. The power, authority, and discretion to make the determination required by Section 12(c):

- a. shall be reserved to the Assistant Secretary;

- b. determinations with respect to the publication or disclosure of confidential information obtained under the Act pursuant to a request under the Freedom of Information Act (5 U.S.C. 552) shall be reserved to the Under Secretary; and

c. any determination under Section 12(c) shall require the prior concurrence of the Office of the General Counsel; and

k. Executive Order 12002 of July 7, 1977, as it relates to short supply commodity control matters before the Export Administration Review Board.

.06 To the Deputy Assistant Secretaries for Export Administration and Export Enforcement the authorities of the Assistant Secretary with respect to regulating exports as follows, except that authority to decide appeals shall be reserved to the Assistant Secretary:

a. Executive Order 11958 of January 18, 1977, as it relates to the carrying out, on behalf of the Department of State, of functions under Section 38(e) of the Arms Export Control Act (22 U.S.C. 2751 et seq.), as agreed to by the Departments of Commerce and State;

b. Executive Order 11322 of January 5, 1967, and Executive Order 11419 of July 29, 1968, relating to the Rhodesian sanctions with respect to transactions occurring prior to December 16, 1979 (Executive Order 12183 of December 16, 1979, revoked the provisions of Executive Orders 11322 and 11419 with respect to transactions occurring after December 16, 1979);

c. The Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3201 et seq.) and the authority under that Act conferred on the Secretary under Executive Order 12058 of May 11, 1978, pertaining to nuclear exports and related matters;

d. Executive Order 11490 of October 28, 1969, as amended, as it relates to the development, as required for the programs of the Director, Federal Emergency Management Agency, of national emergency plans and preparedness programs covering regulation and control of exports and imports;

e. Executive Order 11179 of September 22, 1964, as amended, with respect to the establishment and training of the exports and imports component of the National Defense Executive Reserve;

f. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.) conferred on the Secretary under Executive Order 10480 of August 14, 1953, as amended, as it relates to restricting surface transportation and discharge of commodities or prohibiting movement of American carriers to designated destinations; and

g. The Export Administration Act of 1979, as amended including equivalent authorities and successor statutes (50 U.S.C. App. 2401 et seq.) and the authority under that Act conferred on the Secretary under Executive Order 12214 of May 2, 1980, except as it relates to foreign boycotts and short supply commodity controls and except that:

1. The submission of reports to the Congress required by Section 14 of the Act shall be reserved to the Secretary; and

2. The power, authority, and discretion to make the determination required by Section 12(c):

a. shall be reserved to the Assistant Secretary;

b. determinations with respect to the publication or disclosure of confidential information obtained under the Act pursuant to a request under the Freedom of Information Act (5 U.S.C. 552) shall be reserved to the Under Secretary; and

c. any determination under Section 12(c) shall require the prior concurrence of the Office of the General Counsel; and

h. Executive Order 12002 of July 7, 1977, except as it relates to short supply commodity control matters before the Export Administration Review Board.

.07 To the Deputy Assistant Secretary for Export Enforcement the authorities of the Assistant Secretary with respect to foreign boycotts, as follows, except that authority to decide appeals shall be reserved to the Assistant Secretary:

a. The Export Administration Act of 1979, as amended, including equivalent authorities and successor statutes (50 U.S.C. App. 2401 et seq.) and the authority under that Act conferred on the Secretary under Executive Order 12214 of May 2, 1980, as it relates to foreign boycotts, except that:

1. The submission of reports to the Congress required by Section 14 of the Act shall be reserved to the Secretary; and

2. The power, authority, and discretion to make the determination required by Section 12(c):

a. shall be reserved to the Assistant Secretary;

b. determinations with respect to the publication or disclosure of confidential information obtained under the Act pursuant to a request under the Freedom of Information Act (5 U.S.C. 552) shall be reserved to the Under Secretary; and

c. any determination under Section 12(c) shall require the prior concurrence of the Office of the General Counsel.

Section 2. Investigative and Subpoena Powers

.01 The above delegations and subsequent redelegations of these authorities in Parts V and VI to the Director, Office of Export

Enforcement, the Director, Office of Antiboycott Compliance, and the Director, Office of Industrial Resource Administration, specifically include the authority:

- a. To sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records and other writings, or both, to any designated place, in connection with any investigation or proceeding necessary or appropriate to the enforcement of the delegated authority;
- b. To require reports and the keeping of records by any person to the extent necessary or appropriate to the enforcement of the delegated authority, and to require any person to permit the inspection of books, records, and other writings or property; and
- c. To take any other action necessary or appropriate to achieve effective enforcement of the delegated authority in connection with actual or potential violations.

.02 In addition to the above delegations, the following Department of Commerce employees, in connection with any investigation or proceeding necessary or appropriate to the enforcement of the delegated authority, are each authorized to make investigations; to require any person to permit the inspection of books, records, and other writings, premises, or property; to sign and issue subpoenas requiring any person to appear and testify or appear and produce books, records and other writings, or both, to any designated place; to administer oaths and affirmations for the purpose of procuring or receiving from any person sworn statements or other sworn testimony; and to take the sworn testimony of any person.

- a. Any compliance officer or special agent employed in the Office of Export Enforcement;
- b. Director, Enforcement Division, Office of Antiboycott Compliance;
- c. Any compliance officer or special agent employed in the Office of Antiboycott Compliance;
- d. Director, National Security Preparedness Division, Office of Industrial Resource Administration; and
- e. Any compliance officer or special agent employed in the National Security Preparedness Division, Office of Industrial Resource Administration.

.03 In addition to the above delegations, any Director of a District Office of the U.S. and Foreign Commercial Service, upon request by the Office of Export Enforcement and in connection with any proceeding necessary or appropriate to the enforcement of the

delegated authority, is authorized, with the power of successive redelegation, to require any person to permit the inspection of books, records, and other writings, premises, or property; to serve subpoenas requiring any person to appear and testify or appear and produce books, records and other writings, or both, to any designated place; to administer oaths and affirmations for the purpose of procuring or receiving from any person sworn statements or other sworn testimony; and to take the sworn testimony of any person.

.04 In any proceeding relating to the denial of export privileges or the imposition of civil penalties under the Export Administration Act of 1979, as amended, the Administrative Law Judge or Hearing Commissioner is authorized to administer oaths and affirmations, and to sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records and other writings, or both.

Part IV. DEPUTY ASSISTANT SECRETARY FOR IMPORT ADMINISTRATION

Section 1. Redelegation of Authority

Pursuant to the authority delegated to the Deputy Assistant Secretary for Import Administration (DAS) under Part III, the following authorities are redelegated as set forth below. Notwithstanding any provision of this redelegation of authority, the Deputy Assistant Secretary may at any time exercise any authority redelegated in this part.

.01 The authorities of the DAS with respect to antidumping and countervailing duties, as delegated in Section 1.02 of Part III, are hereby redelegated as follows:

a. Any employee of the International Trade Administration stationed overseas, who is specifically designated as a Commerce Representative, is authorized to collect and verify data required for the investigation and enforcement of antidumping and countervailing duties;

b. The Director, Office of Investigations, and the Director, Office of Compliance, are each authorized to collect and verify data required for the investigation and enforcement of antidumping and countervailing duties, and may redelegate any power or function conferred by this delegation.

c. The Director, Office of Agreements Compliance, is authorized to monitor and enforce bilateral steel arrangements, and may redelegate any power or function conferred by this delegation.

.02 The authorities of the DAS with respect to statutory import programs, as delegated in Section 1.03 of Part III, are hereby redelegated to the Deputy to the Deputy Assistant Secretary for Management and to the Director, Statutory Import Programs Staff, with the power of successive redelegation, except that rulemaking authority shall be reserved to the Deputy to the DAS for Management.

.03 The authority of the DAS with respect to appointing an Executive Secretary of the Foreign-Trade Zones Board, as delegated in Section 1.04 of Part III, is hereby redelegated to the Deputy to the Deputy Assistant Secretary for Management.

Section 2. Office of the Deputy Assistant Secretary

.01 The Deputy Assistant Secretary for Import Administration coordinates the formulation and implementation of U.S. antidumping and countervailing duty (AD/CVD) policies and programs, ensuring that actions taken are consistent with overall U.S. trade policy; coordinates the development of Departmental positions with regard to specific AD/CVD cases and general AD/CVD issues which are to be discussed in domestic and international forums, such as meetings of the interagency Trade Policy Committee and the GATT Antidumping and Countervailing Duty Code Committees; ensures the proper administration of antidumping and countervailing duty laws including the expeditious conduct of investigations, the administration of AD/CVD orders, the collection of duties under those orders, and the administration of AD/CVD suspension agreements; assists the Office of General Counsel in its responsibilities for the defense of litigation challenging actions under the AD/CVD laws; in consultation with the U.S. Trade Representative, conducts negotiations with foreign manufacturers or governments to suspend antidumping or countervailing duty investigations; and administers Departmental programs relating to foreign-trade zones, allocation of watch quotas, duty-free entry of scientific instruments, and importation of foreign excess property; monitors and enforces export measures required by a foreign government or customs union, pursuant to an international arrangement with the United States, and in conjunction with the Secretary of the Treasury.

.02 The Deputy to the Deputy Assistant Secretary for Management assists the Deputy Assistant Secretary in planning and directing the execution of policies and programs for all management functions under the direction of the DAS and assumes the duties of the DAS with respect to management functions during the latter's absence; directs the activities of the Foreign-Trade Zones Staff, the Statutory Import Programs Staff, and the overseas Commerce Representatives, who participate in the collection and on-site verification of data required for the investigation and enforcement of antidumping and countervailing duties; and serves as the support arm for entities under the direction of the DAS and as such, is responsible for allocation of space, equipment, and budgetary resources, utilization of automated data processing capabilities, and operation of the library, central files, and public reading room.

.03 The Deputy to the Deputy Assistant Secretary for Policy assists the Deputy Assistant Secretary in planning and directing the policy functions under the direction of the DAS and assumes the duties of the DAS with respect to policy functions during the latter's

absence; represents the DAS in interagency, other domestic, and international forums in which specific AD/CVD cases or general AD/CVD policies are discussed; coordinates the preparation of testimony and other information required by the DAS or the Assistant Secretary in presentations on AD/CVD matters before Congressional committees or other bodies; and provides policy guidance and direction to program entities under the direction of the DAS.

.04 The office of the DAS includes the Foreign-Trade Zones Staff which provides administrative support to the Secretary of Commerce as Chair of the Foreign-Trade Zones Board. The Director, Foreign-Trade Zones Staff, serves as Executive Secretary of the Board. Support includes processing applications for new and expanded zones, giving administrative clearances pursuant to the Board's regulations, reporting on the economic impact of zone activities, maintaining Board records and files, providing technical advice and assistance on zone matters, conducting public hearings on zone proposals, working with State and community development officials on zone projects, providing liaison with the U.S. Customs Service, and publishing the Board's annual report to the Congress.

.05 The Office of the DAS includes the Statutory Import Programs Staff which administers the program governing duty-free importation of scientific instruments or apparatus for educational or research institutions under UNESCO's Florence Agreement; provides liaison with U.S. industry on matters relating to U.S. and foreign government implementation of the Florence Agreement; represents the Department at meetings and conferences on the Florence Agreement; administers the program governing importation of foreign excess property into the customs territory of the United States; administers the Commerce responsibilities pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements by producers located in the Virgin Islands, Guam, and American Samoa; provides liaison with territorial governments on matters affecting watch assembly industries; makes quota allocations and issues licenses to territorial watch assembly firms; develops measures with the U.S. Customs Service for monitoring imports of watches and watch movements under quota; and maintains official watch quota records for Commerce and Interior. The Director, Statutory Import Programs Staff, serves as Foreign Excess Property Officer.

.06 The Office of the DAS includes the Import Administration Central Records Unit/Foreign Subsidy Library Staff which maintains the official record of all proceedings, consisting of a copy of all information presented to or obtained by the Secretary during the course of the proceedings, including all governmental memoranda pertaining to the proceedings, memoranda of ex parte meetings, all determinations and notices thereof published in the Federal Register, and all transcripts or records of conferences or hearings; makes all appropriate information available for inspection

or copying at the Department by any person during business hours; maintains a library of information relating to foreign subsidy practices and countervailing measures; and makes copies of material in the library available to the public upon payment of the costs of preparing such copies.

.07 The DAS directs the following offices:

- a. Office of Investigations;
- b. Office of Compliance;
- c. Office of Policy; and
- d. Office of Agreements Compliance

Section 3. Office of Investigations

.01 The Office of Investigations includes the Director who plans and directs the execution of policies and programs of the Office; serves as the primary contact with the U.S. International Trade Commission on matters pertaining to the investigation of antidumping and countervailing duty cases; and directs the following organizational components:

- a. Antidumping Investigation Division; and
- b. Countervailing Investigation Division.

.02 Each division analyzes petitions submitted by manufacturers, producers, trade associations, and unions under the antidumping and countervailing duty laws; initiates investigations, including the determination of product definitions and the drafting and presentation of questionnaires; analyzes responses to questionnaires and participates in on-site verification of the accuracy and completeness of responses; arranges public hearings involving interested parties when requested in the course of investigations; prepares recommendations regarding the disposition of individual AD/CVD cases; calculates initial deposits of estimated dumping duty amounts; and prepares notices for publication in the Federal Register explaining determinations reached.

Section 4. Office of Compliance

.01 The Office of Compliance includes the Director who plans and directs the execution of policies and programs of the Office; serves as the primary contact with the U.S. Customs Service on matters pertaining to compliance with antidumping and countervailing duty laws; and directs the following organizational components:

- a. Countervailing Compliance Division; and

b. Antidumping Compliance Division.

.02 Each division, for the orders or agreements under its jurisdiction, conducts the administrative reviews required under the antidumping and countervailing duty laws; drafts and submits questionnaires to companies and foreign governments as necessary; analyzes responses to questionnaires and participates in on-site verification of the accuracy and completeness of responses; arranges public hearings upon request for parties interested in the proposed results of administrative reviews; prepares recommendations concerning the disposition of each review including, where warranted, recommendations for termination of orders or agreements; prepares instructions to the U.S. Customs Service regarding the collection of duties on outstanding orders; and prepares notices for publication in the Federal Register explaining results of reviews.

Section 5. Office of Agreements Compliance

The Office of Agreements Compliance includes the Director who plans and directs the execution of policies and programs of the office; monitors and enforces trade arrangements with foreign governments; processes export certificates and import invoices for each shipment of steel mill products and certain fabricated steel products; and maintains liaison with the U.S. Customs Service, U.S. steel industry representatives and foreign government and industry representatives, including quarterly and ad hoc consultations with governments to discuss the use of flexibility provisions, determinations of short supply, official arrangement market forecasts and all monitoring and enforcement issues; and monitors negotiated agreements resulting in the suspension of antidumping and countervailing duty investigations.

Section 6. Office of Policy

The Office of Policy includes the Director who plans and directs the execution of policies and programs of the Office; serves as the principal staff to the DAS in the formulation and implementation of policies governing the Department's administration of the antidumping and countervailing duty statutes, ensuring that actions taken are consistent with overall U.S. trade policy; in consultation with the Office of General Counsel, ensures the uniform application of statutory and regulatory provisions of AD/CVD laws on a case-by-case basis; provides policy guidance concerning the interpretation and application of AD/CVD laws and regulations; provides policy guidance and oversight on cost accounting issues related to cost of production analyses, allocation of domestic subsidies, and accounting verification procedures; assists the Deputy to the DAS for Policy to conduct negotiations regarding possible suspension of AD/CVD investigations; prepares position papers and case decision summaries for meetings of the GATT

Antidumping and Countervailing Duty Code Committees; and acts for the DAS and, as appropriate, the Assistant Secretary for Trade Administration, in representing the views of the Department in domestic, interagency, and international forums.

Part V. DEPUTY ASSISTANT SECRETARY FOR EXPORT ADMINISTRATION

Section 1. Redlegation of Authority

Pursuant to the authority delegated to the Deputy Assistant Secretary for Export Administration (DAS) under Part III, the following authorities are redelegated as set forth below. Notwithstanding any provision of this redelegation of authority, the Deputy Assistant Secretary may at any time exercise any authority redelegated in this part.

.01 The authorities of the DAS with respect to industrial mobilization and resource administration, as delegated in Section 1.05 of Part III, are hereby redelegated to the Director, Office of Industrial Resource Administration, with the power of successive redelegation.

.02 The authorities of the DAS in Section 1.06 of Part III, as they relate to administering exports for purposes of national security and foreign policy, are hereby redelegated to the Director, Office of Export Administration, with the power of successive redelegation.

Section 2. Office of the Deputy Assistant Secretary

.01 The Deputy Assistant Secretary for Export Administration carries out the Department's responsibilities for regulating exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply; enforces, in consultation with the Office of General Counsel and the Deputy Assistant Secretary for Export Enforcement, those Export Administration Regulations relating to short supply commodity controls; chairs the Subcommittee of the Advisory Committee on Export Policy (Sub-ACEP); coordinates and conducts the Department's activities regarding industrial mobilization for national defense, including priorities and allocations, strategic industrial resources, and emergency preparedness programs; and investigates the effects on national security of imports, consults with other Federal agencies, and recommends remedial action where imports threaten to impair the national security.

.02 The Deputy to the Deputy Assistant Secretary for Export Administration assists the Deputy Assistant Secretary in planning and directing the execution of policies and programs for functions under the direction of the DAS and assumes the duties of the DAS during the latter's absence.

.03 The DAS directs the following offices:

- a. Office of Export Administration; and
- b. Office of Industrial Resource Administration.

Section 3 Office of Export Administration

.01 The Office of Export Administration includes the Director who plans and directs policies and administers the programs required to carry out the Department's responsibilities to license goods and technology for export under the national security and foreign policy controls established in the Export Administration Act of 1979, as amended. The immediate Office of the Director includes:

- a. The Operating Committee Chair directs the activities of the Operating Committee and serves as Executive Secretary of the Export Administration Review Board, the Advisory Committee on Export Policy, and the Subcommittee of the Advisory Committee on Export Policy (Sub-ACEP).
- b. The Technical Programs Staff coordinates technical data issues, the operation of the Technical Advisory Committees, the COCOM list review and related COCOM participation, and the implementation of the Militarily Critical Technologies List.

.02 The Policy Planning Division develops overall policies for the licensing of exports. The division performs its assigned functions through the following subordinate elements:

- a. The East-West Trade Branch analyzes license applications for exports destined to the Communist nations; furnishes policy and procedural guidance to the licensing divisions in processing these cases; reviews documentation prepared by licensing divisions for presentation to the Operating Committee; and coordinates disposition of the applications within established policy guidelines;
- b. The Strategic Rating Branch serves as the Department's staff level liaison on matters relating to international cooperation on export controls for strategic purposes (COCOM); represents the Department on certain committees and working groups of the Department of State's Economic Defense Advisory Committee; and assures that commodities retained under U.S. unilateral control are commensurate with national security interests;
- c. The Nuclear Policy Branch administers export controls related to nuclear nonproliferation in coordination with other agencies; represents the Department on the interagency Subgroup on Nuclear Export Controls; and formulates the Department's position on exports regulated by the Nuclear Regulatory Commission and the Department of Energy; and

d. The Foreign Policy Branch formulates policies for licensing exports controlled for foreign policy purposes; performs and coordinates the analysis of statutory criteria for foreign policy controls; and consults with other agencies on special foreign policy programs and embargoes.

.03 The Operations Division provides operational support for the export licensing process and carries out Free World and multiple licensing activities. The Division includes:

a. The Processing Branch processes license applications, including receipt, initial screening, registration, data entry, including data integrity and monitoring of contractor personnel, microforming, transmittal of cases to licensing divisions and the Office of Export Enforcement, review, validation and issuance; monitors conditional licenses and license reporting; ensures the return of expired licenses; processes computer visitation reports; reissues lost licenses and transfers licenses; administers the import certificate/delivery verification programs; maintains and distributes incoming mail and cables; maintains historical and pending microfiche files on OEA cases and case-related correspondence; ensures security of files; and provides hard copy in support of licensing, enforcement and litigation activity.

b. The Multiple License Branch approves, rejects and returns without action license applications (e.g., Project, Service Supply, Service Facility, Distribution, Aircraft and Vessel Repair, Qualified General Licenses, GTE) and amendments thereto; receives technical and policy support from licensing officers in the technical licensing divisions and the Policy Planning Division, respectively; screens consignees and exporters; evaluates qualifications and reliability of all applicants and consignees; validates and issues bulk licenses and amendments thereto; monitors and reviews reports of shipments against bulk licenses; conducts an audit program of bulk license holders and consignees to ensure that bulk license regulations, procedures, and conditions are followed; conducts pre-license reviews of applicants' proposed control systems; refers potential violations to the Office of Export Enforcement (OEE) and supports OEE investigations as appropriate; advises OEA management on the continued suitability of bulk license holders and foreign consignees having control deficiencies or engaging in activities contrary to the Export Administration Regulations or their approved licenses; chairs the Multiple Licenses Working Group concerning policy-or precedent-setting cases; supports OEA policy formulation as relates to bulk license programs; consults with and informs public on bulk license procedures and the EAR; participates in educational programs; provides status reports to public on bulk licenses; and prepares correspondence to public concerning licensing issues and programs.

c. The Free World License Branch approves, rejects or returns without action individual export license applications, reexport authorizations and export license amendments for Free World destinations; receives technical support from licensing officers in the technical licensing divisions; consults with State's Office of Munitions Control (OMC) and technical divisions on cases involving jurisdiction questions and processes OMC Free World referrals; implements delegated foreign policy and national security controls applicable to Free World cases; maintains liaison with DOE, State, and DOD on Free World cases potentially subject to their review; explains controls applicable to Free World cases to exporters; responds to inquiries from exporters on Free World procedures and established policies; places special conditions on Free World licenses and authorizations; evaluates Office of Export Enforcement case rejection and RWA recommendations on Free World cases and recommends OEA action; refers foreign policy cases to the Policy Planning Division as appropriate; generates 10-day notification letters; and responds to inter-governmental Commerce staff requests for positions on Free World Licensing regulations and procedures.

.04 The Scientific and Electronic Equipment Division and the Capital Goods and Production Materials Division, for the products and related technical data under their jurisdiction, administer controls over exports in accordance with the Export Administration Regulations and the policies and procedures established by the Office of Export Administration; determine and take appropriate action on export license applications; conduct technical analyses of products and technical data, including potential end-use applications, to determine the type and extent of controls to be applied; and render assistance to industry and other Government agencies on export administration problems within their jurisdiction. The Scientific and Electronic Equipment Division performs its assigned functions through the following subordinate elements:

- a. Microprocessor and Telecommunications Branch:
- b. Computer Systems Branch; and
- c. Electronic Equipment and Instrumentation Branch.

.05 The Foreign Availability Division determines when a foreign item is comparable to a controlled good or technology and also determines if it is freely available from non-U.S. sources; establishes and assesses technical indicators of comparability; verifies determinations of foreign availability for OEA licensing and list review purposes; tracks technological developments in the West and in controlled countries; represents the Department of Commerce, or supports other OEA personnel representing the Department of Commerce, in negotiations with foreign governments to

eliminate foreign availability; chairs reviews of initial Division foreign availability determinations by Interagency Technical Verification Groups and supports reviews by Technical Advisory Committees; and assesses foreign policy controls from a foreign availability perspective. The division carries out its responsibilities through:

- a. The Technical Data Collection Branch collects data on comparable goods and technology from such sources as the Technical Advisory Committees, the U.S. and Foreign Commercial Service, national laboratories, Government scientists and engineers, foreign commercial groups and data bases, and the U.S. intelligence community; works with interagency groups to design technical and other parameters of comparability for various CCL/MCTL items; coordinates preparation of commodity classification requests from U.S. industry; and enters data into computer system for analysis and manipulation.
- b. The Comparative Capabilities Assessment Branch assesses the capability of non-U.S. sources to provide controlled goods and technology; prepares reports on such capability which examine technical comparability, comparability in quantity and quality, the extent to which a good or technology is freely available to controlled countries, and other aspects of comparability required by law; chairs and provides reports to Interagency Technical Verification Groups for review; and prepares reports for the Advisory Committee on Export Policy to use in making policy decisions when a positive foreign availability has been made.
- c. The Information Analysis Branch collects and screens intelligence reports and studies in order to identify technologies and commodities available to the Bloc from uncontrolled sources; based on all source information, identifies producers, production capabilities and marketing efforts of non-U.S. producers to the Bloc; monitors non-COCOM export control agreements and systems; collects and analyzes intelligence information in support of foreign availability assessment requests relevant to Bloc technology procurement from non-U.S. sources; supports licensing divisions during list reviews through data base searches and development of specific tasking for intelligence collection; coordinates its efforts and shares intelligence information with the Office of Export Enforcement's Intelligence Division; uses data on Bloc diversion and acquisition targets developed by the Office of Export Enforcement to support foreign availability assessment of Bloc procurement from non-U.S. sources; analyzes and screens intelligence assessment of Bloc procurement from non-U.S. availability of commodities controlled unilaterally for foreign policy purposes; and serves on intelligence community study working groups, as appropriate.

.06 The Computer Services Division is responsible for the planning, development, and operation of export administration ADP systems for licensing, license status and tracking, foreign availability, management reporting, policy review, intelligence analysis, enforcement, and such others as may be developed; maintains those systems, their programs, and data bases; provides system development and operations support for all Export Administration and Export Enforcement units; monitors and coordinates all Trade Administration systems, including the development of the Trade Administration ADP plan, to ensure proper data and system integration and effective use of Trade Administration's information resources; initiates and monitors contracts; and generates reports for the Director, OEA, the Deputy Assistant Secretaries for Trade Administration, Export Enforcement and Export Administration, and the Assistant Secretary for Trade Administration.

.07 The Exporter Assistance Division provides public contact services; responds to inquiries from exporters; trains Government (including DOC) personnel and the public in Export Administration procedures; manages a public awareness program on Export Administration policies and procedures; publishes the Export Administration Regulations (EAR), supplemental bulletins, and internal procedures; and manages OEA's program for special emergency handling of cases. The division includes:

a. The Publications and Regulations Branch prepares and publishes the Export Administration Regulations (EAR) and supplemental bulletins; prepares and maintains procedures manuals to implement operational policies for licensing decisions; prepares the Secretary's annual report to the Congress on export administration; conducts analyses of the EAR designed to simplify the regulations and improve ease of use; provides feedback to Division Directors and the Director, OEA on the licensing process from the exporter's perspective; conducts an awareness program to inform the public and District Office and other Government personnel of Export Administration procedures, regulations and policies, including publications and seminars; coordinates trade fair/exhibition export license requests; and maintains internal OEA forms and public use reports, including documentation necessary to obtain OMB approval.

b. The Exporter Counseling Branch responds to inquiries from the Congress, general public, and exporters by phone, through correspondence, or in person; manages OEA's special and emergency case handling program; processes petitions from exporters on cases exceeding statutory time frames; and provides exporters with acknowledgements and status information as required by statute.

Section 4. Office of Industrial Resource Administration

.01 The Office of Industrial Resource Administration includes the Director who plans and directs the execution of policies and

programs of the Office; serves as U.S. Representative to the NATO Industrial Planning Committee and co-chairs the U.S./Canadian Emergency Planning Committee for Industrial Production and Materials; and directs the following organizational components:

.02 The National Security Preparedness Division administers the Defense Priorities and Allocations System (DPAS), under Title I of the Defense Production Act of 1950, as amended; administers materials allocation of chemicals or substances necessary for the treatment of water; conducts training seminars for Government and industry executives, contractors, and other company officials in the administrative procedures of the DPAS and the Special Priorities Assistance Program; assists defense contractors adversely affected by natural disasters; in consultation with the Office of General Counsel, enforces delegated authority under the Defense Production Act of 1950, as amended; develops and tests plans and procedures for response to national security emergencies, so that the Office of Industrial Resource Administration, with support from the Department's field installations, can ensure continuity of its essential functions; provides for an Emergency Production Agency at selected alternate sites throughout the U.S.; prepares and maintains distribution during emergency situations; recruits, assigns, and trains National Defense Executive Reservists; maintains Industrial Mobilization Data Centers at selected national and regional relocation sites; plans and coordinates the International Trade Administration's emergency readiness functions; provides emergency planning and support to the Director, Office of Industrial Resource Administration for participation in the NATO Industrial Planning Committee and the U.S./Canadian Emergency Planning Committee for Industrial Production and Materials; and administers short supply commodity controls; monitors exports and contracts for exports when commodities are in present or potential short supply or likely to have an inflationary impact; coordinates the preparation of periodic reports of monitoring results; coordinates within the Department short supply activities provided for under the Export Administration Act of 1979, as amended.

.03 The Strategic Analysis Division provides advice to the Federal Emergency Management Agency (FEMA) in the management of the National Defense Stockpile Program; represents the Department on interdepartmental stockpile committees; identifies industrial facilities of exceptional importance to the national security, mobilization readiness, and postattack survival and recovery; supervises the preparation of analyses of critically important industrial products and services; conducts feasibility studies to determine industrial capabilities to meet national emergencies; prepares studies and analyses on critical materials and industries as required to support NATO and U.S./Canadian emergency planning committees; investigates and prepares reports on the impact of imports on national security; and supports the Industry Evaluation Board. The Director of the division chairs the Industry Evaluation Board.

Part VI. DEPUTY ASSISTANT SECRETARY FOR EXPORT ENFORCEMENT

Section 1. Redelegation of Authority

Pursuant to the authority delegated to the Deputy Assistant Secretary for Export Enforcement (DAS) under Part III, the following authorities are redelegated as set forth below. Notwithstanding any provision of this redelegation of authority, the Deputy Assistant Secretary may at any time exercise any authority redelegated in this part.

.01 The authorities of the DAS in Section 1.06 of Part III, as they relate to enforcement of the Export Administration Regulations for purposes of national security and foreign policy, are hereby redelegated to the Director, Office of Export Enforcement, with the power of successive redelegation.

.02 The authorities of the DAS with respect to foreign boycotts, as delegated in Section 1.07 of Part III, are hereby redelegated to the Director, Office of Antiboycott Compliance, with the power of successive redelegation.

Section 2. Office of the Deputy Assistant Secretary

.01 The Deputy Assistant Secretary for Export Enforcement carries out, in consultation with the Office of General Counsel and/or the Department of Justice, as appropriate, a program to enforce the Export Administration Act and Regulations relating to exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply and to foreign boycotts against countries friendly to the U.S. The DAS represents the Department in interagency and international meetings and forums involving the enforcement of export and antiboycott laws and related regulations, including agreements with other countries on enforcement matters; and develops policies, strategies, program plans, procedures and positions on administration of enforcement programs.

.02 The DAS directs the following offices:

- a. Office of Export Enforcement; and
- b. Office of Antiboycott Compliance.

Section 3. Office of Export Enforcement

.01 The Office of Export Enforcement includes the Director who directs programs to enforce the Export Administration Act and Regulations relating to the control of exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply; determines enforcement procedures; directs the

implementation of enforcement policies, strategies and programs; coordinates enforcement activity with other law enforcement agencies (Federal, local and international), the intelligence community and other interested Federal agencies; sets up departmental and interagency mechanisms for the conduct of enforcement activities, including agreements defining various agency responsibilities in the enforcement process; directs investigation programs; provides guidance in the handling of investigations, and plans for the investigative activities of specific cases; directs, in coordination with the Director, Office of Export Administration, a program of guidance to the U.S. business community with respect to the interpretation of and compliance with the export control regulations; plans and directs the conduct of an intelligence program for collecting, analyzing, applying and disseminating information designed to prevent or thwart illegal exports and diversions; determines the necessity for investigations and assists in the conduct of ongoing investigations; directs a program to detect and interdict illegal exports using intelligence data, physical inspection of cargo, detention of cargo being illegally exported, and other appropriate methods; determines the appropriate criminal and/or administrative proceedings to be pursued and proposes penalties to be imposed; and establishes and carries out programs to hire, develop and train subordinates. The Office includes:

.02 The Intelligence Division receives, interprets and analyzes intelligence and trade data to determine whether preventive, deterrent or other type of enforcement action is required or appropriate; provides leads for ongoing investigations and assists investigative personnel in the conduct of investigations; disseminates intelligence information and analysis to agents of the Office of Export Enforcement as well as those of other appropriate Federal agencies and assists them in the application of such information and its analysis; in coordination with OEA's Information Analysis Branch, applies qualitative and quantitative methodologies to establish patterns and profiles of diversion and acquisition methods, correlation attributes for suspect end users and end uses, and lists of commodities and technical data for which a high acquisition-interest probability exists; develops and maintains effective working relationships with various agencies in the intelligence and law enforcement communities for the purpose of collecting and using intelligence information; collects intelligence information to assist in, and has primary responsibility for, the conduct of pre-license checks and post-shipment verifications; through cross-assignment of personnel and other techniques, coordinates its efforts and shares intelligence information with the Office of Export Administration; maintains automated and manual files of intelligence and investigative data and analyses; receives, uses and transmits to other federal agencies as appropriate, intelligence data and analyses; and exercises primary responsibility for the addition, deletion and amendment of entries on the automated license screen.

.03 The Investigations Division carries out a program of investigations of suspected violations of the Export Administration Act and Regulations; reviews and appraises requests for investigative action; identifies and provides for necessary training in strategic export control enforcement and in law enforcement techniques and procedures; applying standard law-enforcement techniques and knowledge of export control environment, coordinates and carries out criminal and administrative investigations in the U.S., and in coordination with local authority, and overseas, both independently and in cooperation with other law enforcement agencies; makes recommendations on disposition of cases; refers appropriate cases to the Office of General Counsel for administrative proceedings and the Department of Justice for criminal prosecution; maintains liaison with other agencies and groups having mutual enforcement concerns; develops procedures and plans and maintains guidance for the conduct of investigations. The Division Director coordinates the conduct of investigations which cross geographic or other investigatory unit lines; where appropriate, reviews completed investigative cases for completeness, accuracy and legal sufficiency; and, in conjunction with special agents-in-charge of field offices, recommends proposed civil or criminal proceedings to be taken. The Division carries out these export control responsibilities through the following:

a. The Special Investigations Branch investigates cases with no culpable party subject to U.S. criminal jurisdiction, cases of particular interest to the Deputy Assistant Secretary or higher authority, and, in coordination with the Office of the Inspector General, allegations of misconduct or mishap involving an employee of OEE; supports the division's foreign activities by conducting the foreign phases of investigations or accompanying investigators from field offices on foreign travel where appropriate or providing advice and briefings to field office investigators prior to their foreign travel; conducts the office vulnerability assessment program; provides support to all of the Investigations Division by obtaining information from headquarters files and sources for field office agents; and performs other tasks as assigned by the division director;

b. Field Offices (see Exhibit 1) carry out investigative, inspection and public education functions within their assigned geographical area of responsibility.

.04 The Technical Support Division provides policy, planning, coordination, and logistical support to the Intelligence and Investigations Divisions, and coordinates and investigates the administrative aspects of cases.

The Division carries these responsibilities through:

a. The Technical Support Branch assists the Director, Office of Export Enforcement in special projects relating to export enforcement policies, plans and cases; assists in the preparation of correspondence, testimony and briefing papers for senior Department officials on export enforcement operations and policies; assists the Director/OEE in preparing position papers on enforcement policies, plans and procedures, including preparation for COCOM meetings on export enforcement; conducts a program in cooperation with OEA to provide guidance to the business community on compliance with export control regulations and seeks voluntary compliance; identifies and obtains training resources and participates in the development and administration of training programs; supports and coordinates field office and OEE headquarters operations in matters of logistics, budget, personnel and administration; conducts benefit/cost analyses of OEE programs; coordinates FOIA and Privacy Act requests with appropriate Commerce personnel; maintains agency records facilities; control access to OEE's supplies and equipment, including weapons, and surveillance gear; performs operational arrangements for special agent training and operational travel.

b. The Facilitations Branch coordinates the field inspection activities of OEE inspectors and those of U.S. Customs Service inspectors; provides liaison between inspectors (both OEE and Customs) who have detained cargo and OEA licensing officers who will provide licensing determinations and exporter history; and makes export seizure penalty recommendations.

c. The Administrative Process and Exporter Audit Branch conducts investigations in coordination with other Investigations Division units for the purpose of initiating administrative sanctions; works with the Office of General Counsel to apply for temporary denial orders in cases being handled by other units of the Investigations Division; investigates and processes cases wherein criminal prosecution has been completed, declined, or is inappropriate; and conducts investigations, reviews, and audits of firms to determine their suitability for inclusion in programs designed to facilitate the licensing and/or inspection process for low-risk exporters.


Section 4. Office of Antiboycott Compliance

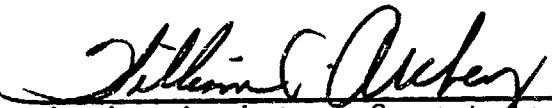
.01 The Office of Antiboycott Compliance includes the Director who plans and directs the execution of policies and programs of the Office; serves as the primary contact relating to administration of Departmental responsibilities under the Export Administration Act of 1979, as amended, regarding foreign boycotts against countries friendly to the United States; and directs the following organizational components:

.02 The Enforcement Division investigates suspected violations of the antiboycott regulations, discusses with investigated parties settlement of alleged violations and, failing settlement, in consultation with the Office of General Counsel prepares cases on violations for referral to the Administrative Law Judge or for other legal action; provides support, as requested, to the Office of General Counsel in connection with litigated cases; ensures respondent compliance with terms and conditions of orders entered as a result of enforcement actions; develops intelligence; and maintains liaison with other agencies and groups having mutual enforcement concerns.

.03 The Compliance Policy Division develops and coordinates policies and measures for opposing restrictive trade practices or boycotts under the Export Administration Act of 1979, as amended; reviews proposed compliance actions for policy consistency; provides advice to the business community on the application of antiboycott regulations; maintains a program for educating the affected public on the Department's antiboycott policies and regulations; maintains liaison with interest groups, other Government agencies, and embassies of foreign governments on antiboycott matters; in consultation with the Office of General Counsel, prepares amendments, interpretations, and clarifications to the antiboycott regulations; and operates the automated boycott reporting system to provide statistical summaries and enforcement data.

Approved:


Deputy Under Secretary for
International Trade


Acting Assistant Secretary
for Trade Administration


Deputy Assistant Secretary
for Export Administration


Deputy Assistant Secretary
for Export Enforcement


Deputy Assistant Secretary
for Import Administration

Export Enforcement Field Offices

Boston, Massachusetts
Chicago, Illinois
Dallas, Texas
Los Angeles, California
Miami, Florida
New York, New York
Phoenix, Arizona
San Francisco, California
Seattle, Washington
Washington, D.C.

U.S. Department of Commerce
International Trade Administration
ASSISTANT SECRETARY FOR
TRADE ADMINISTRATION

